

# **Exhibit A**

Case 2:06-cv-07561-PA-CW Document 215 Filed 08/26/2008 Page 1 of 2

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

TRAFFICSCHOOL.COM, INC., a  
California Corporation; DRIVERS ED  
DIRECT, LLC, a California limited  
liability company,

Plaintiffs,

v.

EDRIVER, INC., ONLINE GURU, INC.,  
FIND MY SPECIALIST, INC., and  
SERIOUSNET, INC., California  
corporations, RAVI K. LAHOTI, an  
individual; RAJ LAHOTI, an individual;  
DOES 1 through 10,

Defendants.

CV 06-7561 PA (CWx)

JUDGMENT AND PERMANENT  
INJUNCTION

The Court, pursuant to its Findings of Fact and Conclusions of Law and Order  
Finding Defendants Liable for False Advertising, and after having considered the parties'  
submissions, hereby ORDERS, ADJUDICATES AND DECREES that final judgment,  
including a permanent injunction, shall be and hereby is entered in the above entitled matter  
as follows:

1. The Defendants eDriver, Inc., Online Guru, Inc., Find My Specialist, Inc.,  
Seriousnet, Inc., Ravi K. Lahoti, and Raj Lahoti, (collectively "Defendants"), their owners,

Case 2:06-cv-07561-PA-CW Document 215 Filed 08/26/2008 Page 2 of 2

1 officers, directors, assignees, transferees, employees, agents and representatives, and all  
2 other persons, firms or entities acting in concert or participating with them, who receive  
3 notice of the injunction, are enjoined as follows:

4 (a) Defendants shall employ an acknowledgment splash page, or "splash  
5 screen," that every visitor to any entry webpage on the DMV.ORG domain shall see prior to  
6 viewing any webpage content;

7 (b) Visitors to any webpage on the DMV.ORG domain need only view the  
8 acknowledgment splash page once, and need not be presented with the acknowledgment  
9 splash page again when navigating to different webpages within the DMV.ORG domain;

10 (c) The acknowledgment splash page shall state: "YOU ARE ABOUT TO  
11 ENTER A PRIVATELY OWNED WEBSITE THAT IS NOT OWNED OR OPERATED  
12 BY ANY STATE GOVERNMENT AGENCY. TO CONTINUE, CLICK 'CONTINUE'  
13 BELOW." Below this disclaimer shall be a "click-through" button that the visitor must  
14 affirmatively click to continue to the webpage on the DMV.ORG domain;

15 (d) The statement in paragraph (c) shall appear in all capital letters;

16 (e) Nothing other than the content in paragraph (c) and the DMV.ORG  
17 logo shall be visible to the visitor when viewing the acknowledgment splash page;

18 (f) The statement in paragraph (c) shall appear in fourteen (14) point font,  
19 and shall be in larger font size than that used in the DMV.ORG logo and the 'continue'  
20 button.

21 2. Plaintiffs shall recover their costs of suit.

22 IT IS SO ORDERED, ADJUDICATED AND DECREED.

23  
24  
25 DATED: August 26, 2008



26 Percy Anderson  
27 UNITED STATES DISTRICT JUDGE  
28

## **Exhibit B**

**Mina Hamilton - DMV.ORG-Injunction Non-Compliance-2nd Notice (25162-14)**

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**From:** Mina Hamilton  
**To:** Daucher, Brian; Merlo, Ashley  
**Date:** 9/3/2008 10:19 AM  
**Subject:** DMV.ORG-Injunction Non-Compliance-2nd Notice (25162-14)  
**CC:** DAN DECARLO; DAVID MAKOUS  
**Attachments:** DMV.ORG-Screen shots After Injunction (9-3-08).doc

---

Brian,

I never heard back from you regarding your client's reason for violating the Injunction, paragraph (f), which requires the DMV.ORG logo text to be smaller than the disclaimer text. Why is the DMV.ORG text in the logo still much larger than the text in the disclaimer, and does your client intend to change this and when? The fact that you are filing a motion to stay the injunction in no way excuses your clients from immediate compliance with the Injunction. Please consider this an ongoing meet and confer on non-compliance issues before the filing of a motion for a contempt order. We expect, as part of the meet and confer, that you respond to these emails with your clients position. Let me know if you would like to have a phone conversation instead. I have attached screen-shots to this email so that you can readily see the non-compliance by your clients.

We have also noticed that there is an image which appears on the <http://www.dmv.org/ca-california/drivers-ed.php#> page (see attached screen shot-2nd page). This is in violation of the Injunction, paragraph (e), which states "nothing other than the content in paragraph (c) and the DMV.ORG logo shall be visible to the visitor when viewing the acknowledgment splash page." Please confirm whether or not your client intends to immediately change this and any other pages that are displaying this and/or any other graphic or text that circumvents the Injunction.

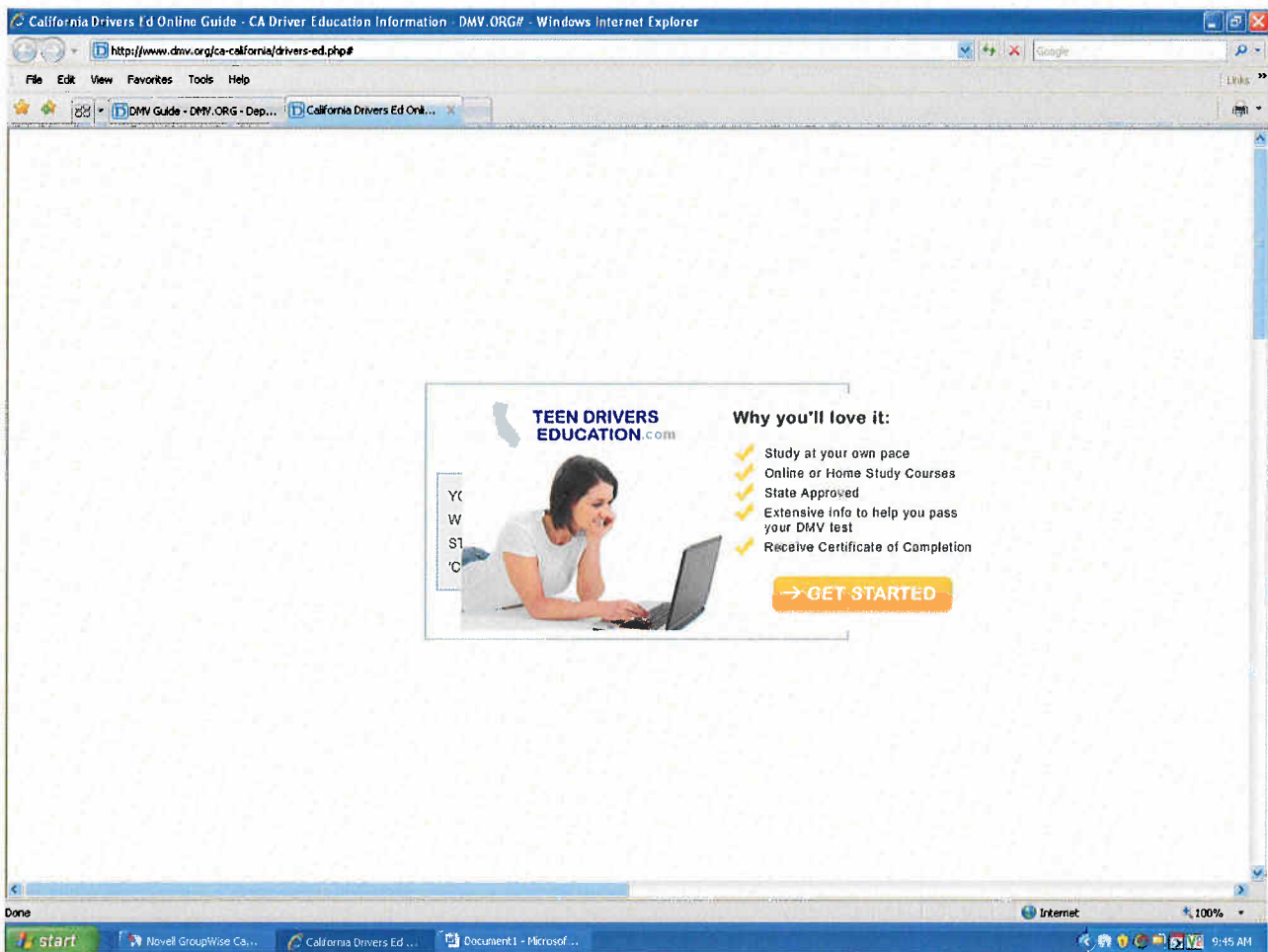
Also, the Title Tags are in violation of the Injunction, paragraph (e) as well and we understand that your client controls this text. There are Title Tags on the <http://www.dmv.org/#> page and other pages of the website that are in violation of the order (see screen shots attached). For example, on the aforementioned drivers ed page above, in the blue title tag (very top of the browser), it states: \*California Drivers Ed Online Guide - CA Driver Education Information -DMV.ORG\* Please let us know if/when your client intends to correct this.

Again, this notice is without waiver of other non-compliance issues that may exist.

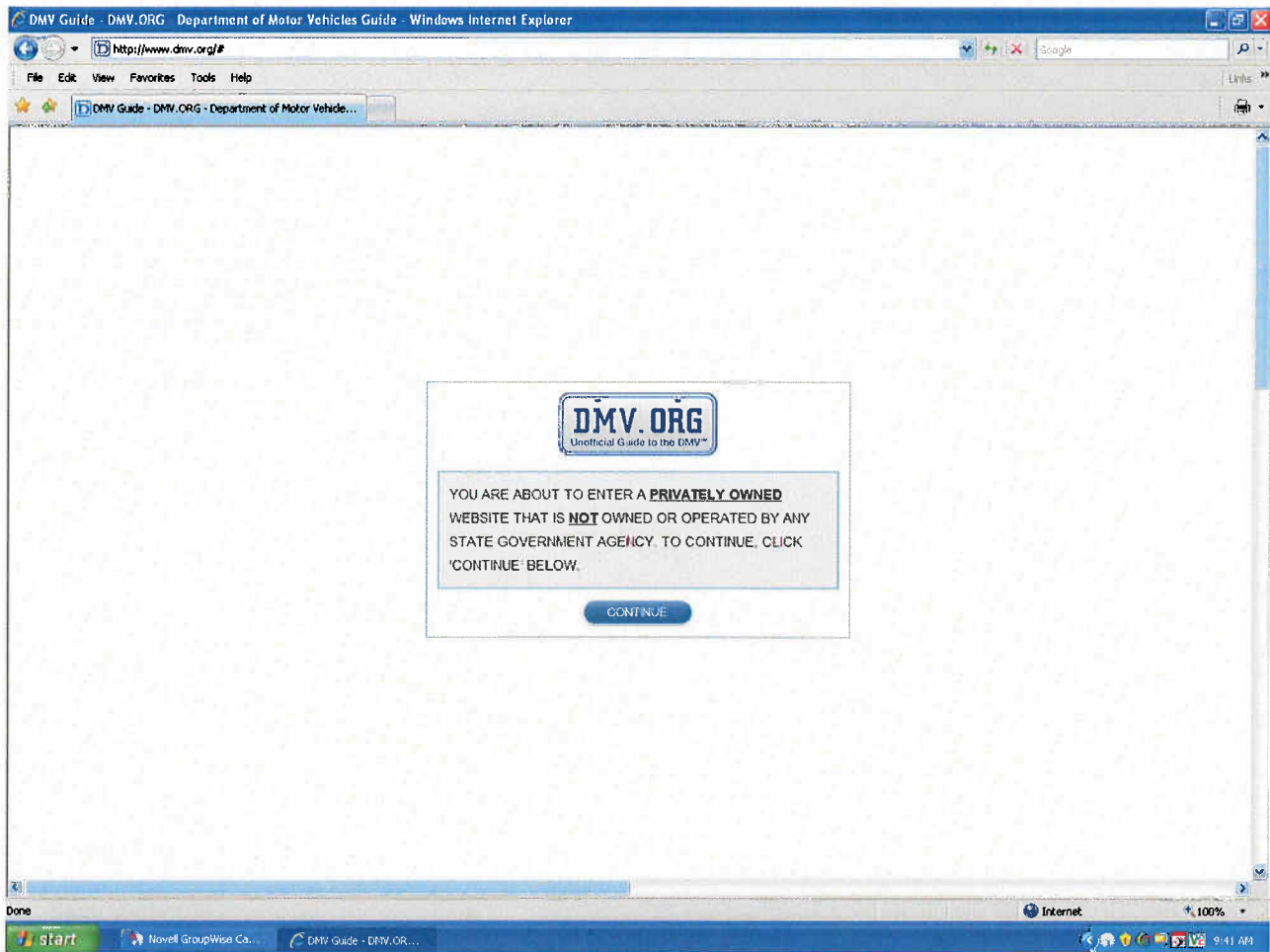
Regards,

Mina I. Hamilton, Esq.  
Lewis Brisbois Bisgaard & Smith LLP  
221 North Figueroa Street, Suite 1200  
Los Angeles, California 90012  
(213) 250-1800 (phone)  
(213) 250-7900 (fax)  
e-mail: [hamilton@lbbslaw.com](mailto:hamilton@lbbslaw.com)

"EXHIBIT B PAGE 8"



Screen-shot, 9:45 am, 9/3/08



Screen-shot, 9:41 am, 9/3/08

# **Exhibit C**

**Mina Hamilton - RE: DMV.ORG-Injunction Non-Compliance-2nd Notice (25162-14)**

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**From:** "Brian Daucher" <BDaucher@sheppardmullin.com>  
**To:** "Mina Hamilton" <HAMILTON@lbbslaw.com>  
**Date:** 9/3/2008 3:32 PM  
**Subject:** RE: DMV.ORG-Injunction Non-Compliance-2nd Notice (25162-14)  
**CC:** "Ashley Merlo" <AMerlo@sheppardmullin.com>

---

Mina,

FYI, our clients did identify the error on the screen shot and have fixed it, regards,

Brian.

 Sheppard Mullin	650 Town Center Drive 4th Floor Costa Mesa, CA 92626-1993 714.513.5100 office 714.513.5130 fax <a href="http://www.sheppardmullin.com">www.sheppardmullin.com</a>
<b>Brian Daucher</b> 714.424.2843 direct   714.428.5925 direct fax <a href="mailto:BDaucher@sheppardmullin.com">BDaucher@sheppardmullin.com</a>   <a href="#">Bio</a>	

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---

**From:** Mina Hamilton [mailto:HAMILTON@lbbslaw.com]  
**Sent:** Wednesday, September 03, 2008 10:20 AM  
**To:** Ashley Merlo; Brian Daucher  
**Cc:** Dan DeCarlo; David Makous  
**Subject:** DMV.ORG-Injunction Non-Compliance-2nd Notice (25162-14)

Brian,

I never heard back from you regarding your client's reason for violating the Injunction, paragraph (f), which requires the DMV.ORG logo text to be smaller than the disclaimer text. Why is the DMV.ORG text in the logo still much larger than the text in the disclaimer, and does your client intend to change this and when? The fact that you are filing a motion to stay the injunction

"EXHIBIT C PAGE 11"

in no way excuses your clients from immediate compliance with the Injunction. Please consider this an ongoing meet and confer on non-compliance issues before the filing of a motion for a contempt order. We expect, as part of the meet and confer, that you respond to these emails with your clients position. Let me know if you would like to have a phone conversation instead. I have attached screen-shots to this email so that you can readily see the non-compliance by your clients.

We have also noticed that there is an image which appears on the <http://www.dmv.org/ca-california/drivers-ed.php#> page (see attached screen shot-2nd page). This is in violation of the Injunction, paragraph (e), which states "nothing other than the content in paragraph (c) and the DMV.ORG logo shall be visible to the visitor when viewing the acknowledgment splash page." Please confirm whether or not your client intends to immediately change this and any other pages that are displaying this and/or any other graphic or text that circumvents the Injunction.

Also, the Title Tags are in violation of the Injunction, paragraph (e) as well and we understand that your client controls this text . There are Title Tags on the <http://www.dmv.org/#> page and other pages of the website that are in violation of the order (see screen shots attached). For example, on the aforementioned drivers ed page above, in the blue title tag (very top of the browser), it states: \*California Drivers Ed Online Guide - CA Driver Education Information - DMV.ORG\* Please let us know if/when your client intends to correct this.

Again, this notice is without waiver of other non-compliance issues that may exist.

Regards,

Mina I. Hamilton, Esq.  
Lewis Brisbois Bisgaard & Smith LLP  
221 North Figueroa Street, Suite 1200  
Los Angeles, California 90012  
(213) 250-1800 (phone)  
(213) 250-7900 (fax)  
e-mail: [hamilton@lbbslaw.com](mailto:hamilton@lbbslaw.com)

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\*\*\*\*\*

"EXHIBIT C PAGE 12"

## **Exhibit D**

**Mina Hamilton - DMV.ORG-Injunction Non-Compliance- 4th Notice (25162-14)**

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**From:** Mina Hamilton  
**To:** Daucher, Brian  
**Date:** 9/22/2008 8:29 PM  
**Subject:** DMV.ORG-Injunction Non-Compliance- 4th Notice (25162-14)  
**CC:** DAN DECARLO; DAVID MAKOUS  
**Attachments:** 9\_22\_2008\_DMVorg\_DropDowns.doc; NY.doc

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Brian,

We found another violation of the Injunction. Upon going to any of the URLs listed below, DMV.org is displaying a drop down menu on the Splash Screen. If a user clicks on one of the drop down county listings, it takes them directly to one of DMV.ORG's affiliates. See attached screen shots.

<http://www.dmv.org/ny-new-york/traffic-schools.php>  
<http://www.dmv.org/ny-new-york/defensive-driving.php>  
<http://www.dmv.org/nj-new-jersey/traffic-schools.php>  
<http://www.dmv.org/nj-new-jersey/defensive-driving.php>

The Injunction is clear that additional content (other than that identified in the Injunction) is not to be displayed to a user on the Splash Screen.

Please let us know your client's position on this issue for the meet and confer on the contempt motion.

Regards,

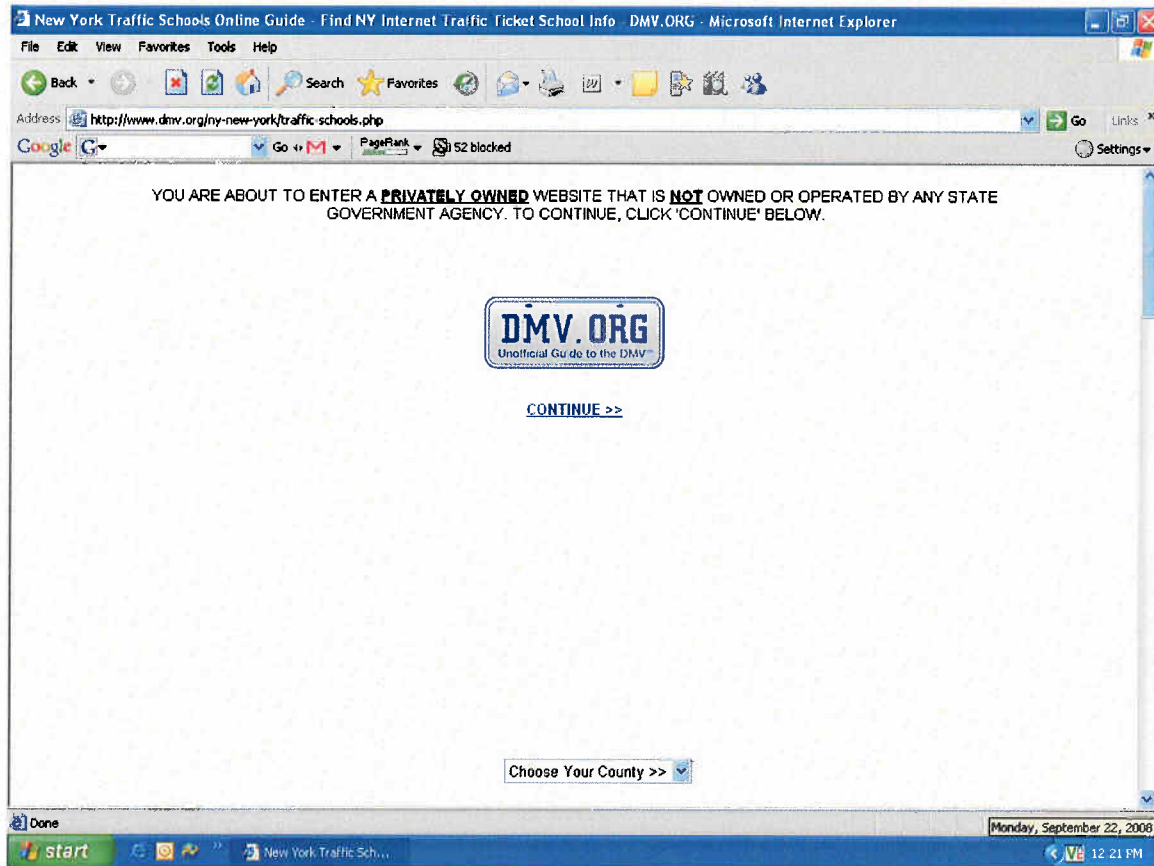
Mina I. Hamilton, Esq.  
Lewis Brisbois Bisgaard & Smith LLP  
221 North Figueroa Street, Suite 1200  
Los Angeles, California 90012  
(213) 250-1800 (phone)  
(213) 250-7900 (fax)  
e-mail: [hamilton@lbbslaw.com](mailto:hamilton@lbbslaw.com)

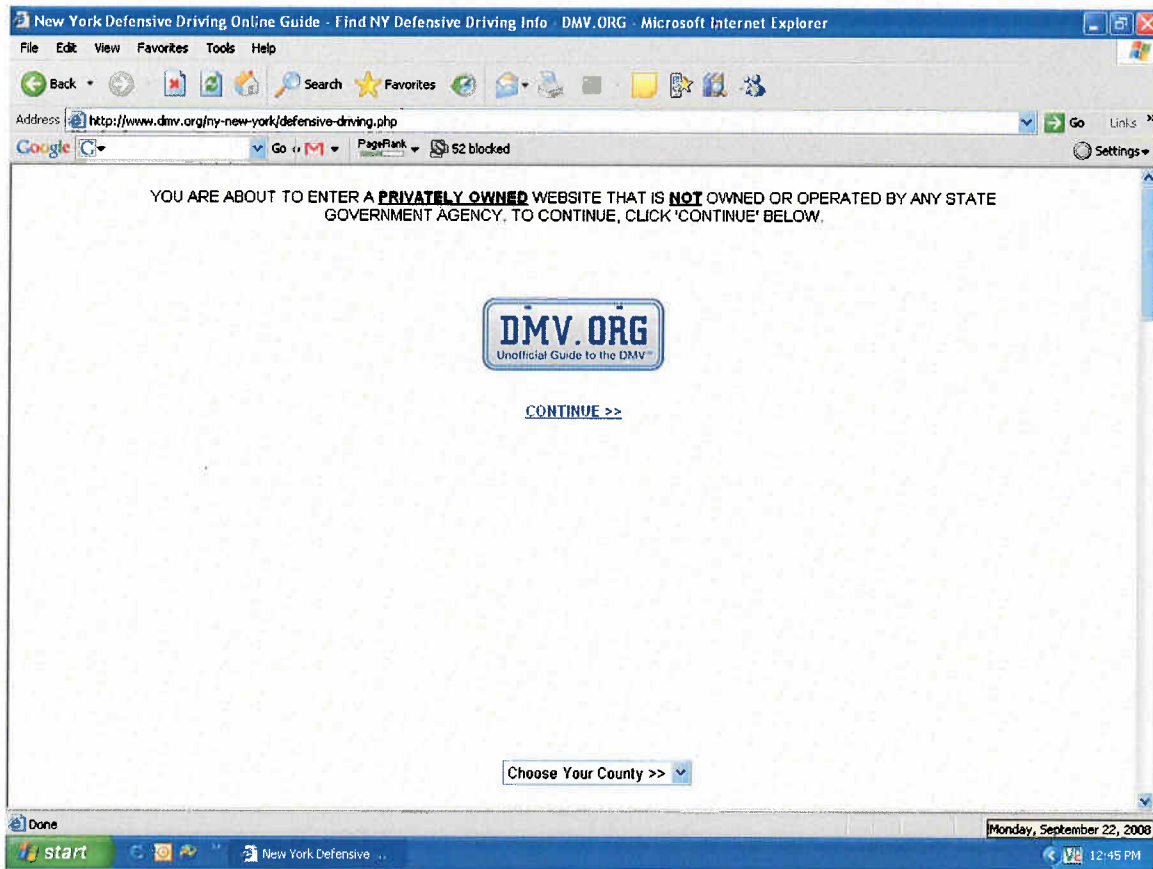
\*\*\*\*\*

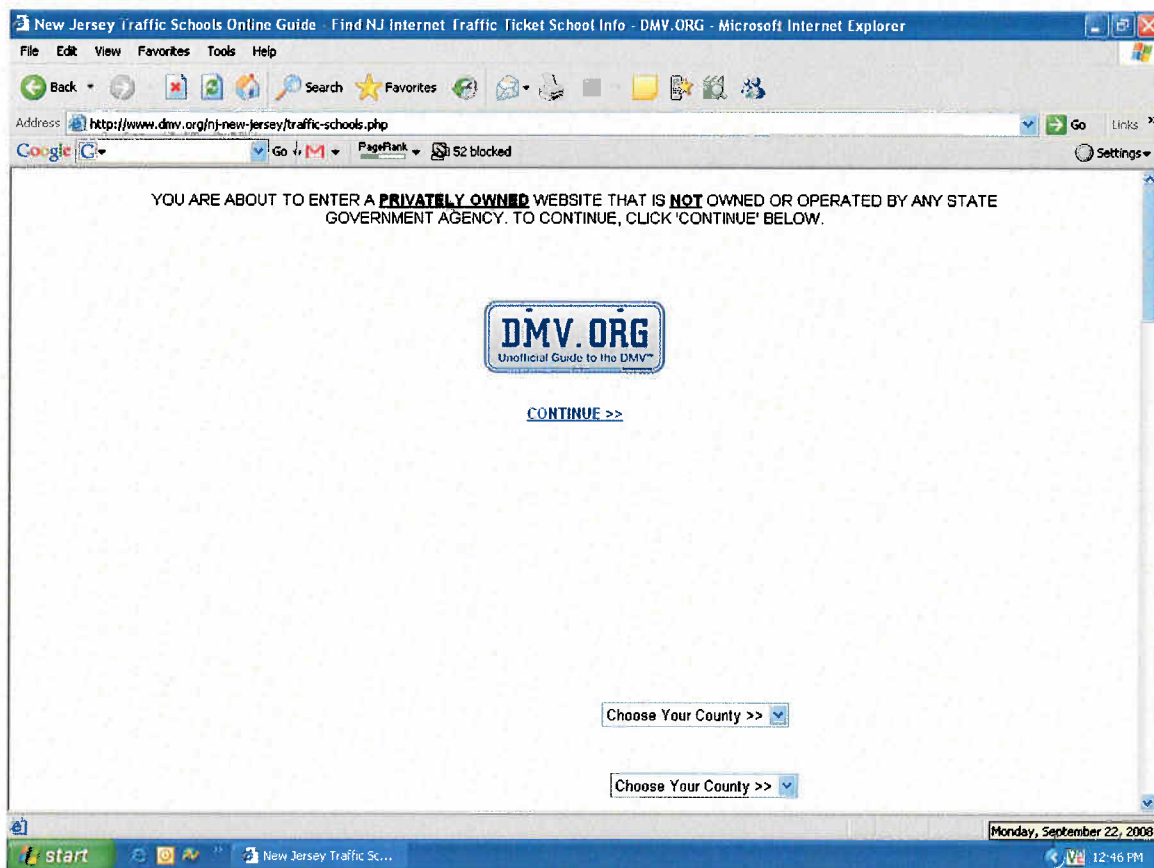
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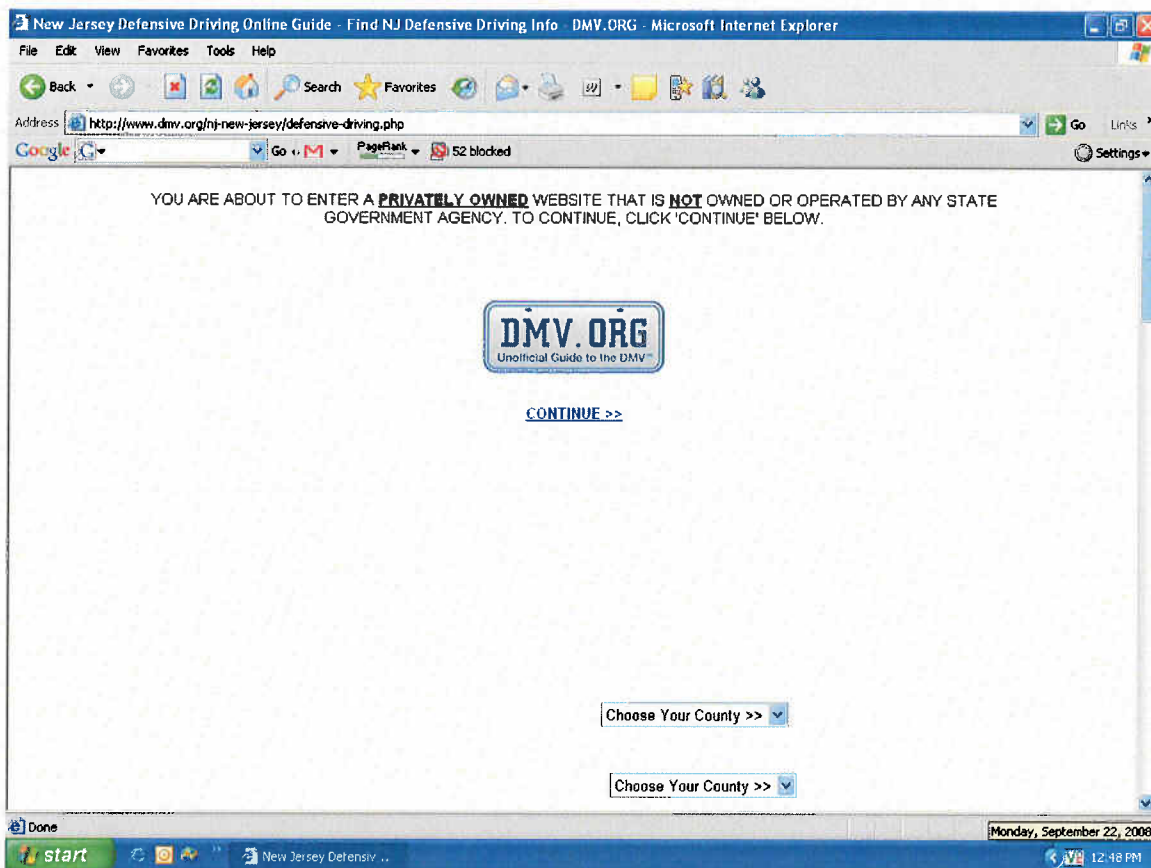
\*\*\*\*\*

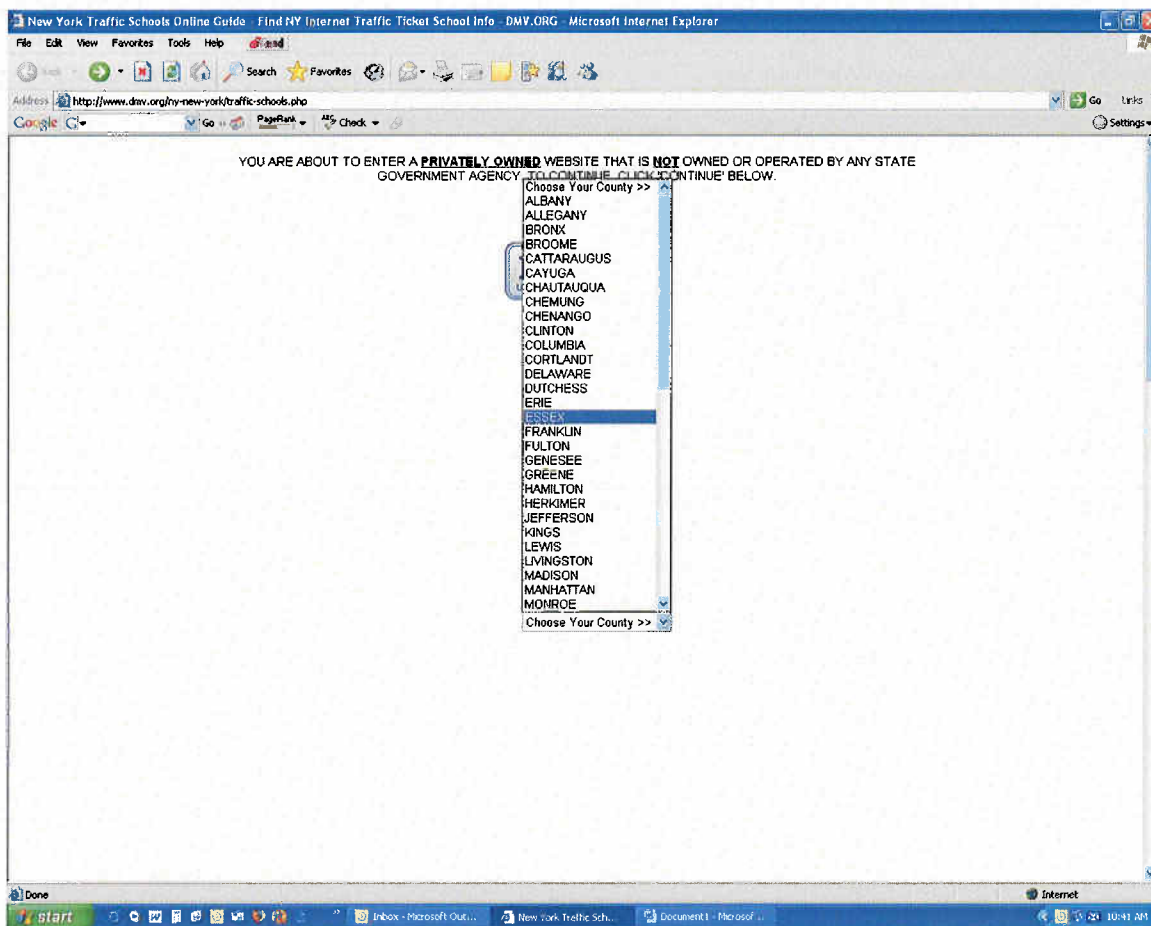
"EXHIBIT D PAGE 13 "

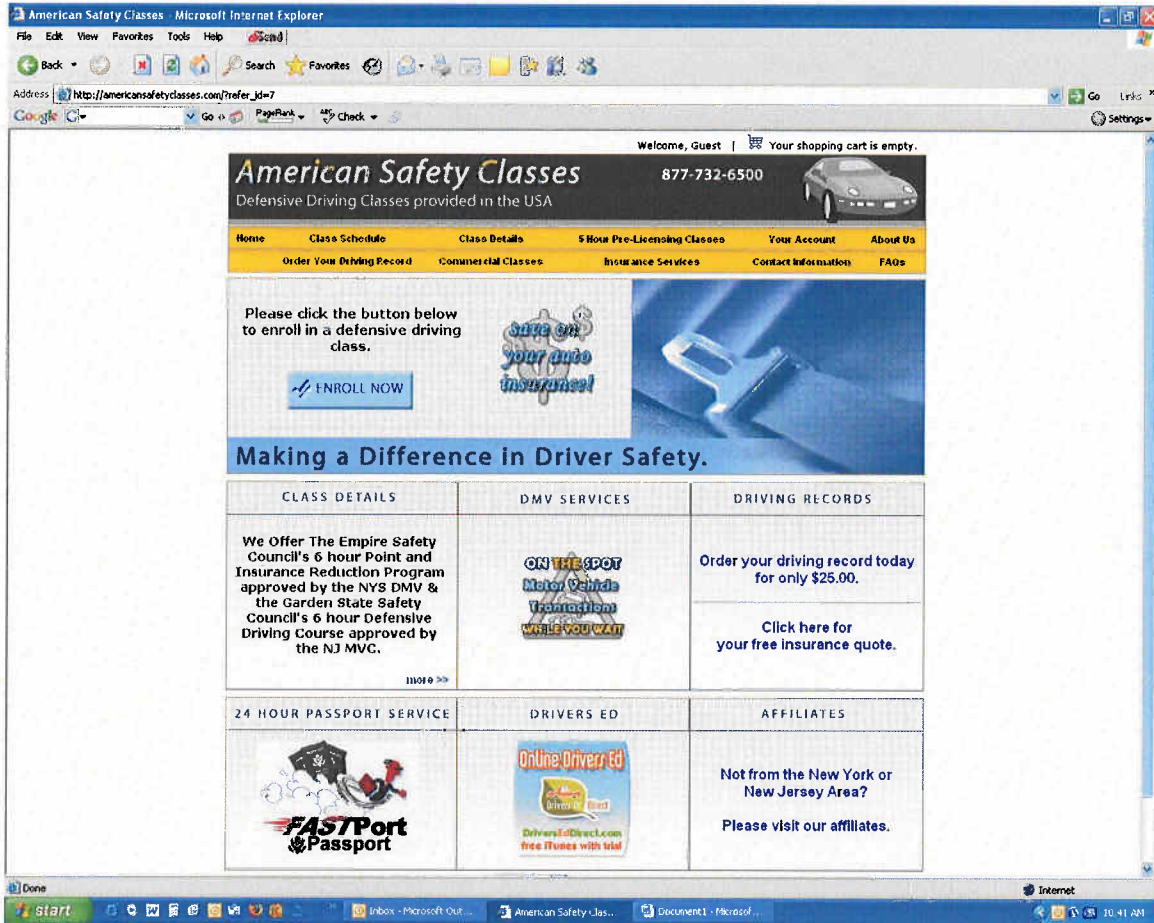












## **Exhibit E**

**Mina Hamilton - RE: DMV.ORG-Injunction Non-Compliance- 4th Notice (25162-14)**

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**From:** "Brian Daucher" <BDaucher@sheppardmullin.com>  
**To:** "Mina Hamilton" <HAMILTON@lbbslaw.com>  
**Date:** 9/23/2008 8:37 AM  
**Subject:** RE: DMV.ORG-Injunction Non-Compliance- 4th Notice (25162-14)


---

Mina,

I can see the problem on the link. We are looking into and it will be fixed.

I will let you know when it is resolved, regards,

Brian.

 Sheppard Mullin	650 Town Center Drive 4th Floor Costa Mesa, CA 92626-1993 714.513.5100 office 714.513.5130 fax <a href="http://www.sheppardmullin.com">www.sheppardmullin.com</a>
<b>Brian Daucher</b> 714.424.2843 direct   714.428.5925 direct fax BDaucher@sheppardmullin.com   <a href="#">Bio</a>	

Circular 230 Notice: In accordance with Treasury Regulations we notify you that any tax advice given herein (or in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or in any attachments).

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

---

**From:** Mina Hamilton [mailto:HAMILTON@lbbslaw.com]  
**Sent:** Monday, September 22, 2008 8:30 PM  
**To:** Brian Daucher  
**Cc:** Dan DeCarlo; David Makous  
**Subject:** DMV.ORG-Injunction Non-Compliance- 4th Notice (25162-14)

Brian,

We found another violation of the Injunction. Upon going to any of the URLs listed below, DMV.org is displaying a drop down menu on the Splash Screen. If a user clicks on one of the drop down county listings, it takes them directly to one of DMV.ORG's affiliates.

"EXHIBIT E PAGE 20"

See attached screen shots.

<http://www.dmv.org/ny-new-york/traffic-schools.php>  
<http://www.dmv.org/ny-new-york/defensive-driving.php>  
<http://www.dmv.org/nj-new-jersey/traffic-schools.php>  
<http://www.dmv.org/nj-new-jersey/defensive-driving.php>

The Injunction is clear that additional content (other than that identified in the Injunction) is not to be displayed to a user on the Splash Screen.

Please let us know your client's position on this issue for the meet and confer on the contempt motion.

Regards,

Mina I. Hamilton, Esq.  
Lewis Brisbois Bisgaard & Smith LLP  
221 North Figueroa Street, Suite 1200  
Los Angeles, California 90012  
(213) 250-1800 (phone)  
(213) 250-7900 (fax)  
e-mail: [hamilton@lbbslaw.com](mailto:hamilton@lbbslaw.com)

\*\*\*\*\*

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\*\*\*\*\*

"EXHIBIT E PAGE 21"

## **Exhibit F**

**Mina Hamilton - DMV.ORG-Injunction Non-Compliance - Recap and 5th Notice (25162-14)**

**From:** Mina Hamilton  
**To:** Daucher, Brian  
**Date:** 9/23/2008 3:30 PM  
**Subject:** DMV.ORG-Injunction Non-Compliance - Recap and 5th Notice (25162-14)  
**CC:** DAN DECARLO; DAVID MAKOUS

Brian:

Regarding our contempt motion, we wish to summarize our positions and the status of your client's violations:

1. The 14 point font DMV.ORG logo issue: This has not been resolved and your clients have refused to comply.
2. The title tag issue: This is not resolved and your clients have refused to comply.
3. The splash page does not appear on Mobile devices: You indicated you would get back to us but you have failed to do so. Your clients continue to be in violation of the injunction on this point.
4. The drop down menus appearing on the splash page: This was a violation; you indicated your clients would correct this and let us know when it has been resolved.
5. The image appearing on disclaimer for the <http://www.dmv.org/ca-california/drivers-ed.php#> page: A violation; has been corrected.

Since we wrote to you last, we have been advised of additional significant issues.

6. When computer users disables Java on their browsers, the splash page is not seen. When it's set it to prompt and the user does not say ok upon the prompt, the site loads without the disclaimer.
7. When cookies are disabled the splash page is not seen. As your clients are likely well aware, disabling of cookies is a common occurrence by computer users for a variety of security reasons.

The injunction is clear that "every visitor" must be presented with an appropriate splash page. Your clients are in substantial non-compliance and we again demand that they come into compliance. We also demand that they engage in a comprehensive review of their systems as the continued discovery of non-compliance by our clients is costly and burdensome.

Regards,

Mina I. Hamilton, Esq.  
Lewis Brisbois Bisgaard & Smith LLP  
221 North Figueroa Street, Suite 1200  
Los Angeles, California 90012  
(213) 250-1800 (phone)  
(213) 250-7900 (fax)  
e-mail: [hamilton@lbbslaw.com](mailto:hamilton@lbbslaw.com)

\*\*\*\*\*

"EXHIBIT F PAGE 22"

## **Exhibit G**

**Mina Hamilton - RE: DMV.ORG-Injunction Non-Compliance - Recap and 5th Notice  
(25162-14)**

---

**From:** "Brian Daucher" <BDaucher@sheppardmullin.com>  
**To:** "Mina Hamilton" <HAMILTON@lbbslaw.com>  
**Date:** 9/24/2008 3:04 PM  
**Subject:** RE: DMV.ORG-Injunction Non-Compliance - Recap and 5th Notice(25162-14)

---

Mina,

Upon entry of the injunction, we moved promptly to put that splash screen in place. And, despite the absence of any order from Judge Anderson, DMV.ORG has also voluntarily maintained further disclaimers and safeguards behind the splash page.

\* The fact is that the imposition of the splash page is a complicated undertaking that will require refinement and adjustments over time. Our clients are not experts in splash page mechanics, and there are technical limitations to splash page functionality.


The most recent issue you raised with the dropdowns on four pages (of the 5,000+ pages of the web site) were simply a technical bug, that has been resolved.

As with the position you take on the logo and browser, we simply do not agree with you on JavaScript and Cookies; these are industry standard means to enable the type of customization intended by the Court and, according to our metrics, approx. 99% of our visitors employ these capabilities. That certainly is, contrary to your suggestion, substantial compliance.

Regards,

Brian.

---

 Sheppard Mullin	650 Town Center Drive 4th Floor Costa Mesa, CA 92626-1993 714.513.5100 office 714.513.5130 fax <a href="http://www.sheppardmullin.com">www.sheppardmullin.com</a>
<b>Brian Daucher</b> 714.424.2843 direct   714.428.5925 direct fax BDaucher@sheppardmullin.com   <a href="#">Bio</a>	

**Circular 230 Notice:** In accordance with Treasury Regulations we notify you that any tax advice given herein (or in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party

"EXHIBIT \_\_\_\_\_ PAGE \_\_\_\_\_"

any transaction or matter addressed herein (or in any attachments).

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---

**From:** Mina Hamilton [mailto:HAMILTON@lbbslaw.com]  
**Sent:** Tuesday, September 23, 2008 3:30 PM  
**To:** Brian Daucher  
**Cc:** Dan DeCarlo; David Makous  
**Subject:** DMV.ORG-Injunction Non-Compliance - Recap and 5th Notice(25162-14)

Brian:

Regarding our contempt motion, we wish to summarize our positions and the status of your client's violations:

1. The 14 point font DMV.ORG logo issue: This has not been resolved and your clients have refused to comply.
2. The title tag issue: This is not resolved and your clients have refused to comply.
3. The splash page does not appear on Mobile devices: You indicated you would get back to us but you have failed to do so. Your clients continue to be in violation of the injunction on this point.
4. The drop down menus appearing on the splash page: This was a violation; you indicated your clients would correct this and let us know when it has been resolved.
5. The image appearing on disclaimer for the <http://www.dmv.org/ca-california/drivers-ed.php#> page: A violation; has been corrected.

Since we wrote to you last, we have been advised of additional significant issues.

6. When computer users disables Java on their browsers, the splash page is not seen. When it's set it to prompt and the user does not say ok upon the prompt, the site loads without the disclaimer.
7. When cookies are disabled the splash page is not seen. As your clients are likely well aware, disabling of cookies is a common occurrence by computer users for a variety of security reasons.

The injunction is clear that "every visitor" must be presented with an appropriate splash page. Your clients are in substantial non-compliance and we again demand that they come into compliance. We also demand that they engage in a comprehensive review of their systems as the continued discovery of non-compliance by our clients is costly and burdensome.

Regards,

Mina I. Hamilton, Esq.  
Lewis Brisbois Bisgaard & Smith LLP  
221 North Figueroa Street, Suite 1200  
Los Angeles, California 90012

"EXHIBIT 6 PAGE 23"

(213) 250-1800 (phone)  
(213) 250-7900 (fax)  
e-mail: hamilton@lbbslaw.com

\*\*\*\*\*  
This message may contain information that is  
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under applicable law. If you are not the intended  
recipient (or authorized to act on behalf of the  
intended recipient) of this message, you may not  
disclose, forward, distribute, copy, or use this  
message or its contents. If you have received this  
communication in error, please notify us immediately  
by return e-mail and delete the original message from  
your e-mail system. Thank you.  
\*\*\*\*\*

"EXHIBIT G PAGE 24"